REMARKS/ARGUMENTS

RESPONSE TO PRIOR OFFICE ACTION:

The prior (final) Office Action found the Applicant's arguments not persuasive. It characterized Applicant's arguments in the prior response as follows:

- regarding Page 8: the Examiner viewed the various arguments as reciting features of the invention which were not recited in the rejected claims, and interpreted this as an attempt to read limitations from the specification into the claims,
- regarding Page 10, the Examiner viewed the features upon which the applicant relied upon as not being recited in the claims, and interpreted Applicant's arguments as an attempt to read limitations from the specification into the claims.

Applicant respectfully disagrees with the characterization of Applicant's arguments. Regarding page 8, Applicant explained for illustrative purposes how the "application identifier" can be used in various embodiments. Because Flickinger does not perform any of these functions, it is hard to see how Flickinger discloses an "application identifier." Regarding page 10, Applicant illustrated why Flickinger does not suggest any reason why an "application identifier" would be necessary. Applicant submits that Flickinger does not disclose an application identifier, nor would there be any suggestion to incorporate one.

Applicant maintains the prior Office Action does not show where an "application identifier" can be found in Flickinger. Specifically, Flickinger fails to recite or suggest an application identifier which identifies an application for processing the asset. Page 2 of the Office Action reinforces a misunderstanding of the purpose of the "application identifier" in the following statement:

> Flickinger (paragraph 56) discloses a system where the meta-data is used to instruct the STB to perform a specific action depending on the application, and using a broad interpretation of the claim, this meets the limitation.

Notably, the statement above fails to recite or suggest an "application identifier." Further, the phrase "depending on the application" does not imply that Flickinger discloses multiple applications because while Flickinger discloses multiple examples of ads, there is no disclosure of other applications, e.g., 'pay-per-view', programming guides, etc. Rather, the statement "depending on the application" must mean "depending on how the ad application is programmed to process the ad."

The claim rejections for claims 1, 5, 7 allege that Flickinger discloses "a metadata object (paragraph 54; figure 7, part 707), wherein the metadata object comprises an application identifier identifying an application associated with processing the asset (paragraphs 56 and 74)" (Office Action, page 3).

However, in Figure 7, part 707 only discloses the word "metadata" and that by itself cannot be a basis for alleging disclosure of an "application identifier" within the metadata.

Neither is an "application identifier" to be found in paragraph 54, which states:

> In one embodiment, each ad can have a tag associated with it (e.g., embedded within it or linked to it). This tag could be a simple identifier or a complete ad vector describing many characteristics of the ad. Such metadata could be transported with the ad or in advance of the ad.

A "tag" (which is "a simple identifier … describing the characteristics of the ad") is not the same as an "application identifier." Flickinger discloses information provided with the metadata that indicates aspects of the contents. This can be used to tell the application whether to store the ad or not (see, e.g., par. 56). *However, the metadata in Flickinger does not indicate which application is to process the asset.* Indeed, as Applicant previously noted, Flickinger does not disclose multiple applications.

Applicant submits that Flickinger fails to recite metadata that may comprise information regarding the content, as recited in Applicant's claim 6 ("the metadata object identifies the content object as a movie"). This means that Flickinger fails to recite or suggest that the metadata object may comprise information identifying the content object in some manner *as well as* the "application identifier." Applicant submits that the "tag" describing the characteristics of the ad (e.g., content) as recited in Flickinger is not analogous to the "application identifier" but to the information identifying the content

object. Essentially, in regard to claim 6, the "tag" in Flickinger is equated to a) the information identifying the content object, and then b) in the independent claim, also equated to the "application identifier." Because Flickinger discloses only one "tag", is it improper to use that one information element to then argue it discloses the separate functions of the "application identifier" and "information identifying the content obect."

Given that Flickinger fails to recite or suggest that the metadata object may have both an "application identifier" and information pertaining to the content, Applicant renews the assertion that Flickinger's "tag" is not equivalent to an "application identifier." Applicant respectfully traverses the § 102 and § 103 rejections of Claims 1-23 for at least the above reasons.

CONCLUSION

It is not believed that extensions of time or fees for net addition of claims are required, beyond those that may otherwise be provided for in documents accompanying this paper. However, in the event that additional extensions of time are necessary to allow consideration of this paper, such extensions are hereby petitioned under 37 CFR § 1.136(a), and any fee required therefore (including fees for net addition of claims) is hereby authorized to be charged to Deposit Account No. 16-0605.

Respectfully submitted,

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